



Gabriel M. Ramsey  
GRamsey@crowell.com  
(415) 365-7207 direct

Crowell & Moring LLP  
3 Embarcadero Center  
26th Floor  
San Francisco, CA 94111  
+1.415.986.2800 main  
+1.415.986.2827 fax

October 26, 2022

**Via ECF**

Honorable Lorna G. Schofield, U.S.D.J.  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: ***Findigs, Inc. v. Henson Orser and Two Dots, Inc., 1:22-cv-07404-LGS: Joint Letter***  
Re: *Case Status*

Dear Judge Schofield:

Defendants Henson Orser (“Orser”) and Two Dots, Inc. (“Two Dots,” and collectively, “Defendants”) and Plaintiff Findigs, Inc. (“Findigs”) submit this joint letter in accordance with Fed. R. Civ. P. 26 and the Court’s Order dated October 19, 2022 (Dkt. No. 19) in advance of the initial conference scheduled for November 2, 2022.

**I. Brief Description of the Nature of the Action**

Plaintiff:

This action arises from Orser’s unlawful misappropriation of trade secrets and confidential information gained in the course of his employment as a key executive at Findigs in order to launch his competing venture Two Dots. Findigs asserts claims for misappropriation of trade secrets under the Defense of Trade Secrets Act and common law, violation of the Lanham Act, breach of contract, common law unfair competition, and faithless servant against Defendants. In addition to compensatory damages and disgorgement of Orser’s salary, Findigs seeks preliminary and permanent injunctive relief restricting Defendants ongoing unlawful use of Findigs’ confidential information and trade secrets, and an equitable accounting.

Defendants:

Two Dots is a New York startup company which leverages artificial intelligence to provide real estate leasing offices with document fraud detection and income verification services. Services Two Dots offers include paystub verification, bank statement verification, tax transcript verification, direct bank account linking, automatic document collection, and identity verification. Orser is Two Dots’ Chief Executive Officer and Co-Founder.

Defendants deny all of Plaintiff's claims. Defendants plan to assert defenses including but not limited to those based on Plaintiff's lack of technology that is protectable as a trade secret, the factual and legal impossibility of Plaintiff's central allegations, and lack of damages.

## **II. Jurisdiction and Venue**

### Plaintiff:

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as Findigs asserts claims arising under federal law. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b).

### Defendants:

Defendants do not dispute that the Court has subject-matter jurisdiction over this matter or that venue is proper in this judicial district.

## **III. Changes to Existing Deadlines**

To allow the Parties time to pursue mediation, the Parties respectfully request that Defendants' deadline to answer or otherwise respond to Plaintiff's Complaint be extended to January 6, 2023. This extension is requested to allow the Parties to have the opportunity to meaningfully explore resolution of Plaintiff's claims before expending Court resources.

## **IV. Pending or Contemplated Motions**

There are currently no pending or contemplated motions.

## **V. Discovery Status**

No discovery has yet taken place. The Parties have submitted a proposed case management order with written discovery commencing on February 17, 2023 in order to allow for the Parties to have meaningful settlement discussions and to appear for a settlement conference before Magistrate Judge Netburn if the Parties are unable to reach a resolution.

## **VI. Alternative Dispute Resolution**

The Parties are discussing potential resolution of the claims. In light of this, the Parties request a referral to Magistrate Judge Netburn.

Respectfully,

CROWELL & MORING LLP

By: /s/ Joachim B. Steinberg  
Gabriel M. Ramsey (*pro hac vice* pending)  
Joachim B. Steinberg

LEWIS BRISBOIS BISGAARD & SMITH  
LLP

By: /s/ Adam E. Collyer  
Adam E. Collyer



*Attorneys for Defendants  
Henson Orser and Two Dots, Inc.*

Brian Pete  
*Attorneys for Plaintiff Findigs, Inc.*